

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 18, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Weisberg, J. (Assigned), Bauer, J. (Assigned), and P. Silva, Deputy Clerk.

B202775 In re Rufus Young on Habeas Corpus

Argument waived, cause submitted.

Each of the following:

B206775 Paredes v. Los Angeles Unified School District
B207120 Ireland San Fillipo v. Sax

Matter continued to April 21, 2009.

B205613 Cintora v. Bad Boys Bail Bonds et al.

Matter continued to May 19, 2009.

B203081 David Diaz et al.
 v.
 Gerorge Ajrab

Merits:
Argued by Gerald Serlin for appellant and by Steven A. Colby for respondents. Cause submitted.

Bauer, J. (Assigned), leaves the bench.

DIVISION ONE (continued)

B203214 In re Sean Brown
 on
 Habeas Corpus

Merits:

Argued by Gregory J. Marcot, Deputy Attorney General for respondent.
Argument waived by Melanie K. Doran for appellant. Cause submitted.

B207647 In re Marvin Webb
 on
 Habeas Corpus

Merits:

Argued by Charles Chung, Deputy Attorney General for respondent.
Argument waived by Melanie K. Doran for appellant. Cause submitted.

Tucker, J. (Assigned), takes the bench.

B207453 Rene Flores et al.
 v.
 Axxis Network & Telecommunications, Inc., et al.

Merits:

Argued by Jennifer D. Cantrell for appellants and by Richard E. Donahoo
for respondents. Cause submitted.

B201276 Henry C. Yuen
 v.
 Molly H. Yuen

Merits:

Argued by Martin Snyder for appellant and by Henry S. David for
respondent. Cause submitted.

DIVISION ONE (continued)

B201714 Zachary V. Douglas
 v.
 California State Polytechnic University et al.

Merits:
Argued by Donald D. Douglas for appellant and by Sandra I. Barrientos,
Deputy Attorney General for respondents. Cause submitted.

B204319 Save Tara et al.
 v.
 City of West Hollywood et al.

Merits:
Argued by Gordon B. Cutler for appellants and by Christi Hogin and
Phillipa L. Altmann for respondents. Cause submitted.

B206105 Cynthia Sims
 v.
 County of Los Angeles Department of Children and Family Services

Merits:
Argued by Cynthia Sims appellant in propria persona and by Calvin R.
House for respondent. Cause submitted.

B205892 Coast Plaza Doctors Hospital
 v.
 Blue Cross of California et al.

Merits:
Argued by Daron Toohey for appellant, Aileen F. Bruno for respondent Blue
Cross etc., and Thomas R. Freeman for respondent Prospect Medical Group
for respondent. Cause submitted.

Court adjourned.

DIVISION ONE (continued)

B201663 Karton
 v.
 Dougherty

Filed order modifying opinion. Petition for rehearing is denied.
(No change in the judgment)

B204172 People
 v.
 Gray

Filed order vacating submission order of March 17, 2009 due to the re-
assignment of this matter to another division.

DIVISION TWO

B200953 Perelmutter (Not for Publication)
 v.
 Impex Trading Corporation et al.

The judgment and denial of the motion for new trial are affirmed. Flores
and Impex shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B206632 People (Not for Publication)
v.
Deshawn D. Leslie

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B208727 White (Not for Publication)
v.
Indian Oaks, LP et al.

The judgment is reversed. Appellant(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B195521 In re Arnold Jacobson on Habeas Corpus (Not for Publication)

The order granting the petition for writ of habeas corpus, and vacating the Governor's decision to reverse the Board of Parole Hearings' determination that petitioner is suitable for parole, is affirmed. The Board's decision is reinstated.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

March 18, 2009 (Continued)

DIVISION SIX

B211201 People (Not for Publication)
v.
Sintic

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B209116 Ligotti (Not for Publication)
v.
Halby

The order of the probate court is affirmed. Each party to bear its own costs.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B206506 People (Not for Publication)
v.
Vargas-Crispin

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 18, 2009 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B207838 People (Not for Publication)
v.
Ayyar

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B199699 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B205552 People v. Hunter (Not for Publication)

The judgment is affirmed as modified. The superior court is directed to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment that deletes the two 15-year enhancements and indicates instead a minimum parole eligibility date of 15 years for each of the indeterminate life terms imposed on counts 1 and 2 pursuant to Penal Code section 186.22, subdivision (b)(5).

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B206926 People (Not for Publication)
v.
Aquino

The judgment as reflected in the clerk's minute order is modified to state the 10-year firearm-use enhancements were imposed pursuant to Penal Code section 12022.53, subdivision (b). As modified, the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (continued)

B193939 Red Hill Enterprises (Not for Publication)
v.
B. Michael Gould, et al.

The judgment and the order granting nonsuit on Red Hill's claim for punitive damages are reversed, and the cause remanded for a new trial to determine the amount of punitive damages to which Red Hill is entitled. The portion of the order declining to hold Gould jointly liable with Learning Tree for attorney fees and costs awarded to Red Hill pursuant to Code of Civil Procedure section 425.16, subdivision (c), is reversed, as is the trial court's determination Red Hill is not entitled to an award of attorney fees against Gould and LTU Extension in connection with its prosecution of its action for fraudulent transfer and related claims. On remand, in addition to proceedings related to Red Hill's claim for punitive damages, the trial court shall determine the reasonable amount of attorney fees incurred by Red Hill and shall conduct any further proceedings, not inconsistent with this opinion, as it may deem necessary or appropriate. Red Hill is to recover its costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Jackson, J.

B204865 Howard (Not for Publication)
v.
Encino Group Retail LLC

The judgment, including the award of attorney fees to Encino Group, is reversed. On remand the trial court is directed to (1) vacate its October 2, 2006 order granting summary judgment in favor of Encino Group and Sahn as to Howard and Simmon's complaint and enter a new order denying that motion; (2) vacate its June 7, 2007 order granting summary judgment in favor of Encino Group on its cross-complaint and denying Howard and Simmon's motion for summary judgment on the cross-complaint and enter

DIVISION SEVEN (continued)

B204865 Howard v. Encino Group Retail LLC (continued)

new orders denying Encino Group's motions for summary judgment and granting Howard and Simmon's motion for summary judgment on the cross-complaint based on the affirmative defense of mutual mistake; and (3) conduct further proceedings not inconsistent with this opinion. Howard and Simmons are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

B208143 People (Not for Publication)
v.
Martinez, Jr.,

The judgment is affirmed.

Bigelow, J.

We concur: Flier, Acting P.J.
O'Neill, J. (Assigned)

B209124 People (Not for Publication)
v.
Derossett

The cause is remanded to the trial court for further proceedings in accordance with this opinion. In all other respects, the judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
O'Neill, J. (Assigned)

DIVISION EIGHT (continued)

B200885 Higgins II et al. (Not for Publication)
 v.
 Disney/ABC International Television, Inc., et al.

For the reasons set forth above, the order sustaining without leave to amend the demurrer to appellants' sixth cause of action for breach of contract, and the summary judgment entered for respondents, are affirmed. Respondents shall recover their appellate costs.

Rubin, Acting P.J.

We concur: Bigelow, J.
 O'Neill, J. (Assigned)

B196582 Lewitt (Not for Publication)
 v.
 Lavin et al.

For the reasons set forth above, the summary judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
 O'Neill, J. (Assigned)

B204006 Flores (Not for Publication)
 v.
 The Home Depot, Inc., et al.

The judgment and orders are affirmed. Respondents are to recover their costs on appeal.

Bigelow, J.

We concur: Flier, Acting P.J.
 O'Neill, J. (Assigned)

DIVISION EIGHT (continued)

B208677 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 S.M.

The juvenile court's judgment is affirmed.

Bigelow, J.

We concur: Flier, Acting P.J.
 O'Neill, J. (Assigned)

B204955 Bates et al.
 v.
 Davis

Filed order denying petition for rehearing.